

AMENDED IN SENATE MARCH 23, 2010

AMENDED IN SENATE JULY 2, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY MAY 7, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 586

Introduced by Assembly Member Huber Ma
(Coauthor: Senator Yee)

February 25, 2009

~~An act to amend Sections 3212, 3212.1, 3212.5, 3212.6, 3212.8, and 3212.9 of the Labor Code, relating to workers' compensation. An act to amend Section 4850 of the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 586, as amended, ~~Huber Ma. Workers' compensation: public employees: medical conditions: presumptions: employees of the City and County of San Francisco: leaves of absence.~~

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment.

~~Existing law provides that, in the case of certain state and local law enforcement personnel, and in certain circumstances, firefighting personnel, the term "injury" includes hernia, cancer, leukemia, heart trouble, pneumonia, blood-borne infectious disease, methicillin-resistant~~

~~Staphylococcus aureus skin infection, tuberculosis, and meningitis that develops or manifests itself during a period while the member is in the service of the governmental entity, and establishes disputable presumptions in this regard.~~

~~This bill would, with respect to law enforcement personnel, specify certain peace officers to whom the above-described disputable presumptions apply.~~

Existing law generally provides that whenever certain public employees, who are employed on a regular, full-time basis, are disabled, whether temporarily or permanently, by injury or illness arising out of, and in the course of, their duties, they are required to become entitled, regardless of their period of service with the public employer, to a leave of absence while so disabled without loss of salary in lieu of temporary disability payments or maintenance allowance payments, if any, that would be payable for the period of disability, but not exceeding one year, or until that earlier date as the employee is retired on permanent disability pension, and is actually receiving disability pension payment, or certain advanced disability pension payment.

Existing law specifies certain public employees to whom the above-described provisions shall not apply, including certain employees of the City and County of San Francisco.

This bill would provide that the above-described provisions shall apply to certain employees of the City and County of San Francisco.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4850 of the Labor Code is amended to
2 read:
3 4850. (a) Whenever any person listed in subdivision (b), who
4 is employed on a regular, full-time basis, and is disabled, whether
5 temporarily or permanently, by injury or illness arising out of and
6 in the course of his or her duties, he or she shall become entitled,
7 regardless of his or her period of service with the city, county, or
8 district, to a leave of absence while so disabled without loss of
9 salary in lieu of temporary disability payments or maintenance
10 allowance payments under Section 139.5, if any, that would be

1 payable under this chapter, for the period of the disability, but not
2 exceeding one year, or until that earlier date as he or she is retired
3 on permanent disability pension, and is actually receiving disability
4 pension payments, or advanced disability pension payments
5 pursuant to Section 4850.3.

6 (b) The persons eligible under subdivision (a) include all of the
7 following:

8 (1) City police officers.

9 (2) City, county, or district firefighters.

10 (3) Sheriffs.

11 (4) Officers or employees of any sheriff's offices.

12 (5) Inspectors, investigators, detectives, or personnel with
13 comparable titles in any district attorney's office.

14 (6) County probation officers, group counselors, or juvenile
15 services officers.

16 (7) Officers or employees of a probation office.

17 (8) Peace officers under Section 830.31 of the Penal Code
18 employed on a regular, full-time basis by a county of the first class.

19 (9) Lifeguards employed year round on a regular, full-time basis
20 by a county of the first class.

21 (10) Airport law enforcement officers under subdivision (d) of
22 Section 830.33 of the Penal Code.

23 (11) Harbor or port police officers, wardens, or special officers
24 of a harbor or port district or city or county harbor department
25 under subdivision (a) of Section 830.1 or subdivision (b) of Section
26 830.33 of the Penal Code.

27 (12) Police officers of the Los Angeles Unified School District.

28 (c) This section shall apply only to persons listed in subdivision
29 (b) who meet the requirements of subdivision (a), and shall not
30 include any of the following:

31 (1) Employees of a police department whose principal duties
32 are those of a telephone operator, clerk, stenographer, machinist,
33 mechanic, or otherwise, and whose functions do not clearly fall
34 within the scope of active law enforcement service.

35 (2) Employees of a county sheriff's office whose principal duties
36 are those of a telephone operator, clerk, stenographer, machinist,
37 mechanic, or otherwise, and whose functions do not clearly come
38 within the scope of active law enforcement service.

39 (3) Employees of a county probation office whose principal
40 duties are those of a telephone operator, clerk, stenographer,

1 machinist, mechanic, or otherwise, and whose functions do not
2 clearly come within the scope of active law enforcement service.

3 (4) Employees of a city fire department, county fire department,
4 or fire district whose principal duties are those of a telephone
5 operator, clerk, stenographer, machinist, mechanic, or otherwise,
6 and whose functions do not clearly fall within the scope of active
7 firefighting and prevention service.

8 (d) If the employer is insured, the payments that, except for this
9 section, the insurer would be obligated to make as disability
10 indemnity to the injured, the insurer may pay to the insured.

11 (e) No leave of absence taken pursuant to this section by a peace
12 officer, as defined by Chapter 4.5 (commencing with Section 830)
13 of Title 3 of Part 2 of the Penal Code, or by a city, county, or
14 district firefighter, shall be deemed to constitute family care and
15 medical leave, as defined in Section 12945.2 of the Government
16 Code, or to reduce the time authorized for family care and medical
17 leave by Section 12945.2 of the Government Code.

18 (f) This section shall not apply to any persons described in
19 *paragraph (1) or (2) of subdivision (b) who are employees of the*
20 *City and County of San Francisco.*

21 (g) *Amendments to subdivision (f) made by the act adding this*
22 *subdivision shall be applied retroactively to January 1, 2010.*

23 SEC. 2. *This act is an urgency statute necessary for the*
24 *immediate preservation of the public peace, health, or safety within*
25 *the meaning of Article IV of the Constitution and shall go into*
26 *immediate effect. The facts constituting the necessity are:*

27 *In order to ensure, at the earliest possible time, that certain*
28 *employees of the City and County of San Francisco have the same*
29 *protections as their colleagues have in other jurisdictions, it is*
30 *necessary for this act to take effect immediately.*

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33 **All matter omitted in this version of the bill**
34 **appears in the bill as amended in the**
35 **Senate July 2, 2009. (JR11)**
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